IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

-

W.P.No.25955 of 2000

Between:

A.Anitha

..Petitioner

and

1. The District Collector, Medak District at
   Sangareddy and another

..Respondents

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

-

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.25955 of 2000

Oral Order:

The petitioner, who was unemployed S.C. and allotted Shop No.5 in Shopping Complex, Zaheerabad, which was constructed for allotting to Scheduled Caste candidates for their upliftment in the State by the respondent—Corporation, was issued with a notice dated 01-12-2000 stating that as per the allotment rules if the SC allottee sub-leases the premises to any other person without prior permission from the competent authority and failed to remit rent for a continuous period of three months the allotment will be cancelled and re-allotted to other needy SC youth. Since the petitioner failed to remit monthly rent of Rs.300/-, she was directed to vacate the shop within 7 days from the date of receipt of the notice.

Questioning the same the present writ petition is filed contending that she paid a sum of Rs.150/- towards lincence fee for the year 2000-2001 which is valid from 01-04-2000 to 31-03-2001 for running the tea stall where she was selling tea powder, match boxes etc. and her employee by name Mansoor is doing business and denied about her sub-letting the shop to Mansoor. The impugned order does not specify the default and arrears due. Therefore, the notice has to be quashed.

In response to Rule Nisi, the Executive Director of the respondent—Corporation filed a counter stating that regional

conference was held on 01-01-2000 wherein the Managing Director of A.P. Scheduled Caste Finance Corporation, Hyderabad directed the Executive Directors of all the District Societies to inspect the shopping complex constructed by the District Societies and see whether the shops are being run by the Scheduled Caste allottees. Pursuant to the said direction the Executive Officer/Work Inspector of District Society, Medak District inspected the complex at Zaheerabad village and found out of the five shops allotted to SC unemployed youth four shops were sub-leased to third parties who are other than SC candidates and they are running the business without any basis. Shop No.5 is being run by one Mohd. Mansoor and during the inspection it was also revealed that the petitioner was residing with her husband at Hyderabad. Therefore, the above notice was issued and Mohd. Mansoor who is in possession of the shop No.5 received the same, which clearly indicates that the petitioner has subleased the shop contravening Terms and Conditions. The petitioner was in arrears of payment of rent to a tune of Rs.11,750/- for the shop allotted to her. The respondent—Corporation had already got evicted the other allottees who have subleased their shops in violation of Terms and Conditions of allotment.

The factual aspects, whether the petitioner sub-leased the premises or not cannot be decided in a petition filed under Article 226 of the Constitution. No reply has been filed by the petitioner till date though the counter has been filed as early as on 04-04-20002 and received by the counsel for the petitioner.

Learned counsel for petitioner produced a letter of the Executive Director dated 30-07-2007 stating that the petitioner is paying rents regularly, but she is partly paying arrears and an amount of Rs.4,630/- is due as on 06-06-2006.

In view of the same, the petitioner is directed to submit her explanation to the impugned notice dated 01-12-2000 within a period of two weeks from today and on such explanation is being filed, the respondents shall conduct an enquiry to find out whether the shop allotted to the petitioner has been sub-leased to Mansoor as pleaded in the notice and pass appropriate orders on the explanation so offered within a period of four weeks from the date of receipt of such explanation after giving an opportunity to the petitioner.

The writ petition is accordingly disposed of. No costs.

_____

A.GOPAL REDDY, J.

01-08-2007
Murthy